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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL  
 DIVERSITY, a non-profit organization,  
 Plaintiff,  
 v.  
 THE OFFICE OF MANAGEMENT AND  
 BUDGET,  
 Defendant.

No. C 07-4997 MHP

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE THE DATE BY  
 WHICH OMB SHALL PRODUCE  
 RESPONSIVE DOCUMENTS AND  
 VAUGHN INDICES TO PLAINTIFF**

1 IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval  
2 of the Court, that the date by which Defendant Office of Management and Budget (“OMB”)  
3 shall produce documents and *Vaughn* indices relating to Plaintiff Center for Biological  
4 Diversity’s (“CBD”) Freedom of Information Act (“FOIA”) Request (currently scheduled for  
5 July 14, 2008 pursuant to the Court’s April 21, 2008 Civil Pretrial Minutes, Docket No. 32) be  
6 continued as follows:

7 OMB will make an initial production of documents, and an accompanying *Vaughn* index,  
8 for documents from the time period of September 1, 2003 through June 30, 2004 on July 14,  
9 2008;

10 OMB will make a supplemental production of responsive documents and a revised  
11 *Vaughn* index for documents from the time period of September 1, 2003 through June 30, 2004  
12 on or before July 21, 2008 so as to complete OMB’s production as to documents from that time  
13 period;

14 OMB and CBD will meet and confer as to a schedule for the production of the remaining  
15 documents and *Vaughn* indices. The parties will make a joint proposal or competing proposals  
16 in the Status Conference Statement due to be filed on July 28, 2008 and will be prepared to  
17 address that issue at the August 4, 2008 Status Conference;

18 If OMB and CBD are able to agree upon a joint proposal as to the schedule for the  
19 production of the remaining documents and *Vaughn* indices, they will submit a stipulation for  
20 the Court’s approval of that proposal.

21 The parties reached this agreement in light of a number of technical challenges that OMB  
22 has experienced since late May 2008 with regard to its ability to search for responsive  
23 documents and because the parties want OMB’s search for responsive documents to be accurate  
24 and complete. The technical challenges and desire for an accurate and complete search for  
25 documents, as well as the time involved in preparing *Vaughn* indices, have combined to have  
26 rendered it physically impossible for OMB to have been able to produce all responsive  
27 documents and a complete *Vaughn* index by the Court’s July 14, 2008 deadline.

28 //

1 The parties have not previously continued the date by which OMB was to be required to  
2 produce responsive documents and a *Vaughn* index.

3 Respectfully submitted,

4 DATED: July 11, 2008

5 By: /s/  
6 DEBORAH SIVAS  
7 Attorneys for Plaintiff

8 JOSEPH P. RUSSONIELLO  
9 United States Attorney

10 DATED: July 11, 2008

11 By: /s/  
12 MICHAEL T. PYLE  
13 Assistant United States Attorney  
14 Attorneys for Defendant

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

16 The date by which OMB shall complete its production of documents and a *Vaughn* index  
17 in response to the FOIA request at issue in this case is continued from July 14, 2008 as follows:

- 18 1. OMB will make an initial production of documents, and an accompanying  
19 *Vaughn* index, for documents from the time period of September 1, 2003 through  
20 June 30, 2004 on July 14, 2008;
- 21 2. OMB will make a supplemental production of responsive documents and a  
22 revised *Vaughn* index for documents from the time period of September 1, 2003  
23 through June 30, 2004 on or before July 21, 2008 so as to complete OMB's  
24 production as to documents from that time period;
- 25 3. OMB and CBD shall meet and confer as to a schedule for the production of the  
26 remaining documents and *Vaughn* indices. The parties shall file a Status  
27 Conference Statement on or before July 28, 2008 and attend the August 4, 2008  
28 Status Conference previously scheduled by the Court.

DATED: July 14, 2008

HON. MARILYN  
United States District

